

Date: October 12, 2022

To: Honorable Judge Niemann

From: Ellen L. Suarez

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FILED
OCT 18 2022
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

21-11034

Re: Reporting a Trustee Misconduct and contesting the bidding process on the interest of Jacobson Litigation that took place in this Court on September 28, 2022

Dear Honorable Judge Jennifer E. Niemann,

My name is Ellen Suarez, a bidder on the Jacobson litigation. I find it necessary to write to you about my experience with Mr. James E. Salven, trustee for a debtor, Mrs. Esperanza H. Gonzalez. I will detail and describe the events before the bidding and after. I do so under penalty of perjury.

As you are aware, I made an entry to bid on the interest of the Jacobson litigation back on September 14, 2022 at which time Mr. Keith Jones appeared in my place. On that day you sent instructions on how to bid. I complied with your instructions. Later I received via regular mail the same instructions from Mr. Gardner. I complied with his instructions, Mr. Salven's instructions as well as your instructions. I stayed in close contact with Mr. Salven up to the very day of bidding, September 28, 2022. I called Mr. Salven to inform him that my job did not permit me to be off work. (I am a school nurse for a school district) but that I desired to participate in the bidding process via phone since Mr. Salven told me you did not do zoom. This is particularly concerning as it is confusing because in his instructions Mr. Gardner states you do zoom. It is also worth noting that I was not considered when setting the date for the hearing that took place on September 28, 2022. I was not able to confer with my supervisors and work schedule. From my limited understanding, the bidding process is believed to take place in a fair and just environment but this is not my experience. I ask why I was not treated fairly. I consider that given the fact that I called Mr. Salven with ample time before the September 28, 2022 hearing and at which time he reassured me he would call me back but never did, I ask why?. He later admitted that he forgot my phone number and I ask how that is possible when there are many phone calls and texts on his phone and has at his fingertips my phone number. To this day I do not know if Mr. Salven informed you that I was waiting on the phone line to bid. It was later that Mr. Salven informed me that the bid was given to the Jacobsons at the exclusion of my bid to which I was denied access to complete. It is for this reason that I respectfully ask that you reopen the bidding for the interest in the Jacobson litigation. I would also respectfully request a review be made of the ethics surrounding Mr. Salven's actions. As for my compliance, you will find that I followed this Court's instructions as it was required. You will also find that I had higher amounts of verified funds in the possession of Mr. Salven but he appears to have an aversion to acknowledging it. My bid was \$1000.00 higher. Mr. Salven appears to have a preference to the Jacobson's, contrary to his fiduciary obligations, counter intuitive one could say. His duties require him to collect the higher and better bids so if that is true why did he block me? I have texts and emails which document my statements here. They are available upon your request, your Honor.

I would like to also mention that Mr. Salven has moved to sell me the interest of four other litigants. I have conducted research into who they are. According to my research, two of the four, Jerry Sanada and Bruce Sanders, have already been settled in the state court. I am finding it very difficult to trust the trustee and his process. Since the two litigants have already settled in state court, why is he selling them to me? It is worth mentioning that Mr. Salven has \$18,000.00 of my money in his possession. Today I have updated my interest on only the other two remaining litigants in the lawsuit, Mr. Michael Minder and Jamie Burrows's litigation interest. I have asked Mr. Salven via email to reimburse the rest of my money he is still holding. That email of my offer is included in this letter. I, Ellen L. Suarez, declare all above statements are made under penalty of perjury.

In summary, I would like to respectfully ask this Court to hear my concerns and allow me to be treated fairly in the bidding process. Thank you for your time and for hearing my concerns.

Sincerely,



Ellen L. Suarez

Cutler-Orosi Joint Unified School District
"Expect the Best"



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ellen suarez <suarezellen01@gmail.com>

Transparency and Honesty needed

2 messages

ellen suarez <suarezellen01@gmail.com>
To: jim@salven-cpa.com, ellen suarez <suarezellen01@gmail.com>

Wed, Oct 12, 2022 at 11:59 AM

Dear Mr. Salven,

I am updating my interest in the sale of the four litigants. But before we engage in that I would like to reiterate my contesting the Jacobson litigation and how you handled it. It was you that suggested we go before Judge Niemann and contest that portion. You know I did everything you required of me. I would like to know when that date is. Also, since our last conversation, I did some research and found that you already have settled with Bruce Sanders and Jerry Senada in the state court. I need to know if you were being dishonest or did you forget once again as you try to keep more of my money you already have in your possession; which one is it? Now there are only two individuals remaining, Michael Minder and Jami Burrows for which you may keep \$10,000.00 and refund me the rest to my home address, thank you.

You had requested more money from me but as discussed above that is not necessary now and I am responding to you as you requested, October 12, 2022.

I hope to hear from you soon on all the issues mentioned above.

Sincerely,

Ellen Suarez

jim salven-cpa.com <jim@salven-cpa.com>
To: ellen suarez <suarezellen01@gmail.com>
Cc: "Max Gardner (dmgardner@dmaxlaw.com)" <dmgardner@dmaxlaw.com>

Wed, Oct 12, 2022 at 1:04 PM

To my knowledge the estate has not settled with them; however, I am (by copy of this e-mail) asking estate counsel to check and correct me if I am incorrect.

Like has been stated previously, I will be returning your money-when I return next week-if the additional \$2,000 is not received by close of business(5 p. m.) today.

Jim Salven

[Quoted text hidden]